

MARC J. FAGEL (Cal. Bar No. 154425)
SHEILA E. O'CALLAGHAN (Cal. Bar No. 131032)
ocallaghans@sec.gov
ROBERT J. DURHAM (Admitted to the New York Bar)
durhamr@sec.gov

Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
44 Montgomery Street, Suite 2800
San Francisco, California 94104
Telephone: (415) 705-2500
Facsimile: (415) 705-2501

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

GLR CAPITAL MANAGEMENT, LLC, GLR
ADVISORS, LLC, JOHN A. GERINGER,
CHRISTOPHER A. LUCK, and KEITH E. RODE

Defendants

and

GLR GROWTH FUND, L.P.,
Relief Defendant.

Case No. CV12-2663 (LHK)

**JOINT STIPULATION FOR STAY
OF CIVIL PROCEEDINGS**

The parties hereby stipulate and agree that:

1. On May 24, 2012, the Securities and Exchange Commission ("Commission") filed an action against John A. Geringer, GLR Capital Management, LLC ("GLR Capital"), Geringer, Luck & Rode LLC, and GLR Advisors, LLC ("GLR Advisors") alleging violations of the federal securities laws and also named GLR Growth Fund L.P. as a relief defendant. On October 1, 2012, Defendant Geringer filed a document titled Response to Securities and Exchange Commission's Complaint as to

1 Defendants GLR Capital Management, LLC[,] GLR Advisors, LLC, John A. Geringer and Relief
 2 Defendant GLR Growth Fund, L.P. (Dkt. 38). On November 7, 2012, the Court ordered Defendants
 3 GLR Capital and GLR Advisors and the Relief Defendant to obtain counsel and to file notices of
 4 appearance by January 15, 2013. (Dkt. 43). Defendant Geringer filed a notice on January 15, 2013
 5 informing the Court that Defendants GLR Capital and GLR Advisors and the Relief Defendant were
 6 unable to obtain counsel. (Dkt. 48). As Defendants GLR Capital and GLR Advisors and Relief
 7 Defendant GLR Growth Fund, L.P. have failed to plead or otherwise defend, they are in default.

8 2. Defendant Geringer, Luck & Rode LLC was dissolved on May 10, 2012. On
 9 December 21, 2012, the Commission filed a Notice of Voluntary Dismissal of Defendant Geringer,
 10 Luck & Rode LLC. (Dkt. 44).

11 3. On November 7, 2012, the Court held an initial case management conference with the
 12 Commission and Defendant Geringer. (Dkt. 43). The Court issued an order setting deadlines for fact
 13 and expert discovery, dispositive motions and a trial date.

14 4. On January 23, 2013, the Commission filed its Amended Complaint adding
 15 Defendants Christopher A. Luck and Keith E. Rode. Defendants Luck and Rode filed Answers to the
 16 Complaint on February 5, 2013 in which they asserted their Fifth Amendment rights not to be
 17 witnesses against themselves.

18 5. On December 19, 2012, a Grand Jury indicted Geringer, Luck and Rode in the case
 19 captioned United States of America v. John Geringer, Christopher Luck and Keith Rode, Case No.
 20 CR 12 00888 LHK. The indictment alleges securities fraud in violation of 15 U.S.C. §§ 78j(b) and
 21 78ff, and 17 C.F.R. § 240.10b-5 and 240.10b5-2, wire fraud in violation of 18 U.S.C. § 1343, and
 22 mail fraud in violation of 18 U.S.C. § 1341, among other violations. The U.S. Attorney's Office filed
 23 a Notice of Related Case and on January 23, 2012, this Court ordered that the cases were related.
 24 (Dkt. 53). Both cases are now before the Court.

25 6. The Commission, at the request of Defendants Luck and Rode, and with the
 26 concurrence of Defendant Geringer, have agreed, subject to this Court's approval, to a stay of this
 27 civil action including discovery for six months from the date of entry of the Court's Order and to
 28 vacate all current deadlines and trial date. Provided, however, that the parties shall remain free to

1 engage in settlement discussions to resolve, in whole or in part, the civil action, file motions and
2 other matters relating to settlement (such as consents to judgment and proposed judgments), and
3 apply to the Court for orders relating to settlements, and that the Commission is free to file motions
4 with this Court, if necessary, to enforce compliance with all previous orders of this Court.

5 7. The parties agree that the length of this stay can only be shortened or extended upon
6 further order of this Court.

7
8 Dated: February 12, 2013

Respectfully submitted,

9
10 

11 Robert J. Durham
12 Attorney for Plaintiff
13 Securities and Exchange Commission

14 February 12, 2013

15 John A. Geringer, *Pro Se*

16
17 February 12, 2013

18 Christopher A. Luck, *Pro Se*

19
20 February 12, 2013

21 Keith E. Rode, *Pro Se*
22
23
24
25
26
27
28

1 engage in settlement discussions to resolve, in whole or in part, the civil action, file motions and
2 other matters relating to settlement (such as consents to judgment and proposed judgments), and
3 apply to the Court for orders relating to settlements, and that the Commission is free to file motions
4 with this Court, if necessary, to enforce compliance with all previous orders of this Court.

5 7. The parties agree that the length of this stay can only be shortened or extended upon
6 further order of this Court.

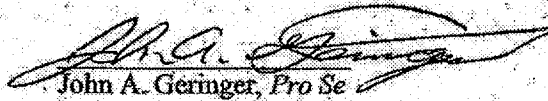
8 Dated: February 12, 2013

Respectfully submitted,



Robert J. Durham
Attorney for Plaintiff
Securities and Exchange Commission

14 February 12, 2013



John A. Geringer, *Pro Se*

17 February 12, 2013

Christopher A. Luck, *Pro Se*

20 February 12, 2013

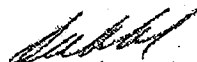
Keith E. Rode, *Pro Se*

1 engage in settlement discussions to resolve, in whole or in part, the civil action, file motions and
2 other matters relating to settlement (such as consents to judgment and proposed judgments), and
3 apply to the Court for orders relating to settlements, and that the Commission is free to file motions
4 with this Court, if necessary, to enforce compliance with all previous orders of this Court.

5 7. The parties agree that the length of this stay can only be shortened or extended upon
6 further order of this Court.

7
8 Dated: February 12, 2013

Respectfully submitted,

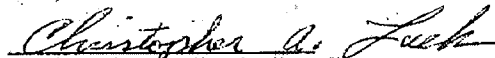
9
10 

11 Robert J. Durham
12 Attorney for Plaintiff
13 Securities and Exchange Commission

14 February 12, 2013

15 John A. Geringer, *Pro Se*

16
17 February 12, 2013

18 
19 Christopher A. Luck, *Pro Se*

20 February 12, 2013

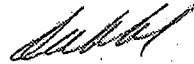
21 Keith E. Rode, *Pro Se*
22
23
24
25
26
27
28

1 engage in settlement discussions to resolve, in whole or in part, the civil action, file motions and
2 other matters relating to settlement (such as consents to judgment and proposed judgments), and
3 apply to the Court for orders relating to settlements, and that the Commission is free to file motions
4 with this Court, if necessary, to enforce compliance with all previous orders of this Court.

5 7. The parties agree that the length of this stay can only be shortened or extended upon
6 further order of this Court.

7
8 Dated: February 12, 2013

Respectfully submitted,



Robert J. Durham
Attorney for Plaintiff
Securities and Exchange Commission

12
13
14 February 12, 2013

John A. Geringer, *Pro Se*

16
17 February 12, 2013

Christopher A. Luck, *Pro Se*

19
20 February 12, 2013


Keith E. Rode, *Pro Se*

1
2
3
4
5
6
7
8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**
12

13 SECURITIES AND EXCHANGE COMMISSION,

14 Plaintiff,

15 vs.

16 GLR CAPITAL MANAGEMENT, LLC, GLR
17 ADVISORS, LLC, JOHN A. GERINGER,
CHRISTOPHER A. LUCK, and KEITH E. RODE

18 Defendants

19 and

20 GLR GROWTH FUND, L.P.,
21 Relief Defendant.
22
23

Case No. CV12-2663 (LHK)

**[PROPOSED] ORDER FOR STAY
OF CIVIL PROCEEDINGS**

24 Having reviewed the parties' Joint Stipulation for Stay of Civil Proceedings and considered
25 the records and files herein, IT IS HEREBY ORDERED:

26 1. That all further proceedings and timelines in this case are stayed for six months from
27 the date of entry of this Order, provided the parties shall remain free to engage in settlement
28 discussions to resolve, in whole or in part, the civil action, file motions and other matters relating to

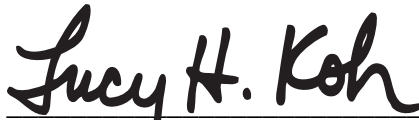
1 settlement (such as consents to judgment and proposed judgments), apply to the Court for orders
2 relating to settlements, and that the Commission is free to file motions with this Court, if necessary,
3 to enforce compliance with all previous orders of this Court;

4 2. That the parties will not engage in civil discovery during the stay;

5 3. That this stay may only be shortened or extended by further order of this Court.

6 IT IS SO ORDERED. The Clerk shall administratively close the file.

7 DATED this 13 day of February, 2013

8
9 

10 LUCY H. KOH
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28